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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,800	11/09/2000	Min-Cheng Kao	JCLA-6349	4354

7590 07/20/2004
J.C. PATENTS INC.
4 VENTURE
SUITE 250
IRVINE, CA 92618

EXAMINER

O BRIEN, BARRY J

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/709,800

Applicant(s)

KAO ET AL.

Examiner

Barry J. O'Brien

Art Unit

2183

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

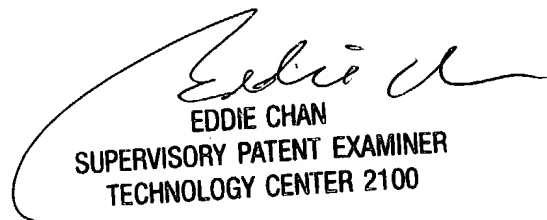
8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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09/709,800

Continuation of 2. NOTE: The proposed amendments raise new issues that would require further consideration. Specifically, the proposed amendment recites the limitation, "in according to a class signal", which would introduce a new rejection under 35 USC 112 for being unclear, as due to its grammatically incorrect nature, the Examiner can only make the assumption that the meaning is similar to the canceled limitation, "in response to the class signal". Thus, introduction of limitations that would require a new rejection would in turn require further consideration.

Furthermore, the proposed amendments do not place the application in better form for appeal by materially reducing or simplifying issues. Although claims 1-2 and 9-10 have been cancelled, with the limitations of claims 1 and 9 being moved into claims 3 and 11, respectively, the Applicant's arguments do not state reasons that the amendments overcome the prior art of record. The proposed amendments effectively introduces the use of a "class signal" to select between register banks to the subject matter of the previous independent claims, which has been taught in the prior art of record (see paragraphs 14-15 of the Final Rejection), without addressing how the Applicant feels the prior art of record does not teach the "class signal". Instead, the Applicants arguments are directed towards the number of accumulators in the prior art reference. Not only has the limitation regarding the accumulator been taught by the prior art of record (see paragraph 7 of the Final Rejection), but the claims use "comprising" language which allows for multiple accumulation units. Further, the proposed amendment of changing "an accumulator" to "one accumulator" does not change the scope of the claim when using the "comprising" language. Thus, the proposed amendments do not reduce or simplify issues.



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